

1 Department of Real Estate
2 320 West 4th Street, Suite 350
3 Los Angeles, CA 90013-1105

4 Telephone: (213) 576-6982

FILED

MAR - 3 2010

DEPARTMENT OF REAL ESTATE
BY: 

9 BEFORE THE DEPARTMENT OF REAL ESTATE

10 STATE OF CALIFORNIA

11 * * *

12 In the Matter of the Accusation of)
13)
14 MDHT CORPORATION, doing busi-)
15 ness as American Loan Help)
16 Center, Gold Key Funding and)
17 Gold Key Properties; and)
18 CHARLES MIKE DUNKELMAN, indi-)
19 vidually, and doing business)
20 as Gold Key Funding and Gold)
21 Key Properties, and as desig-)
22 nated officer for MDHT)
23 Corporation,)
24 Respondents.)

No. H-35827 LA
L-2009050186

STIPULATION AND
AGREEMENT RE:
ACCUSATION AND ORDER
VACATING DESIST AND
REFRAIN ORDER

21 In the Matter of the Desist and)
22 Refrain Order to:)

No. H-35885 LA
L-2009050161

23 MDHT CORPORATION, doing busi-)
24 ness as American Loan Help)
25 Center, Gold Key Funding and)
26 Gold Key Properties; and)
27 CHARLES MIKE DUNKELMAN, indi-)
vidually, and doing business)
as Gold Key Funding and Gold)
Key Properties, and as desig-)
nated officer for MDHT)
Corporation.)

1
2 It is hereby stipulated by and between CHARLES MIKE
3 DUNKELMAN ("DUNKELMAN"), individually and as designated officer
4 for MDHT, and his attorney, Frank Buda, Esq., and the
5 Complainant, acting by and through Cheryl Keily, Counsel for the
6 Department of Real Estate ("Department"), as follows for the
7 purpose of settling and disposing of the First Amended
8 Accusation (the "Accusation") filed on July 15, 2009.
9

10 1. All issues which were to be contested and all
11 evidence which was to be presented by Complainant and DUNKELMAN
12 at a formal hearing on the Accusation, which hearing was to be
13 held in accordance with the provisions of the Administrative
14 Procedure Act ("APA"), shall instead and in place thereof be
15 submitted solely on the basis of the provisions of this
16 Stipulation and Agreement.
17

18 2. DUNKELMAN has been served with, read and
19 understands the Statement to Respondent, the Discovery
20 Provisions of the APA and the Accusation filed by the Department
21 of Real Estate in this proceeding.
22

23 3. On May 16, 2009, DUNKELMAN filed a Notice of
24 Defense pursuant to section 11505 of the Government Code for the
25 purpose of requesting a hearing on the allegations in the
26 Accusation. DUNKELMAN hereby freely and voluntarily withdraws
27 said Notice of Defense. DUNKELMAN acknowledges that he
understands that by withdrawing said Notice of Defense he will

1 thereby waive his right to require the Commissioner to prove the
2 allegations in the Accusation at a contested hearing held in
3 accordance with the provisions of the APA, and that DUNKELMAN
4 will waive other rights afforded to him in connection with the
5 hearing, such as the right to present evidence in defense of the
6 allegations in the Accusation and the right to cross-examine
7 witnesses.
8

9 4. This Stipulation and Agreement is based on the
10 factual allegations contained in Paragraphs 1 through 6, 14(a),
11 14(e), 14(f), 14(j) and 22 of the Accusation filed in this
12 proceeding. In the interest of expedience and economy DUNKELMAN
13 chooses not to contest these factual allegations, but to remain
14 silent and understands that, as a result thereof, these factual
15 statements, without being admitted or denied, will serve as a
16 prima facie basis for the disciplinary action stipulated to
17 herein.
18

19 5. This Stipulation and Agreement and DUNKELMAN's
20 decision not to contest the Accusation are hereby expressly
21 limited to this proceeding and made for the sole purpose of
22 reaching an agreed disposition of this proceeding. DUNKELMAN's
23 decision not to contest the factual allegations is made solely
24 for the purpose of effectuating this Stipulation and Agreement
25 and is intended by DUNKELMAN to be non-binding upon him in any
26 actions against him by third parties. The Real Estate
27

1 Commissioner shall not be required to provide further evidence
2 to prove such allegations.

3 6. It is understood by the parties that the Real
4 Estate Commissioner may adopt the Stipulation and Agreement as
5 his decision in this matter as set forth in the below "Order".
6 In the event that the Commissioner in his discretion does not
7 adopt the Stipulation and Agreement, it shall be void and of no
8 effect, and DUNKELMAN shall retain the right to a hearing and
9 proceeding on the Accusation under all the provisions of the
10 APA and shall not be bound by any admission or waiver made
11 herein.
12
13

14 7. The Order or any subsequent Order of the Real
15 Estate Commissioner made pursuant to this Stipulation and
16 Agreement shall not constitute an estoppel, merger or bar to any
17 further administrative or civil proceedings by the Department
18 with respect to any matters which were not alleged to be causes
19 for accusation or denial in this proceeding.

20 DETERMINATION OF ISSUES

21 By reason of the foregoing stipulations, admissions
22 and waivers, and solely for the purpose of settlement of the
23 pending Accusation without a hearing, it is stipulated and
24 agreed that the following determination of issues shall be
25 made:
26

27 The conduct, acts and/or omissions of DUNKELMAN, set
forth in the Accusation, constitute cause under Business and

1 Professions Code (the "Code") Sections 10145, 10146, 10159.5
2 10163 and 10236.4 as well as Sections 2731, 2752, 2832(a),
3 2950(d) and 2951 of Chapter 6, Title 10, California Code of
4 Regulations for suspension or revocation of DUNKELMAN's license
5 and license rights under the Real Estate Law.
6

7 ORDER

8 WHEREFORE, THE FOLLOWING ORDER is hereby made:

9 I. All licenses and licensing rights of DUNKELMAN
10 under the Real Estate law shall be suspended for a period of
11 sixty (60) days from the effective date of this Decision.
12

13 A. Provided, however, that if DUNKELMAN requests,
14 thirty (30) days of said suspension, or a portion thereof,
15 shall be stayed upon condition that:

16 1. Pursuant to Section 10175.2 of the Code at the
17 rate of \$50 for each day of the suspension for a total monetary
18 penalty of \$1,500 in total.

19 2. Said payment shall be in the form of a cashier's
20 check or certified check made payable to the Recovery Account
21 of the Real Estate Fund. Said check must be received by the
22 Department prior to the effective date of the Decision in this
23 matter.
24

25 3. No further cause for disciplinary action against
26 the real estate license of DUNKELMAN occurs within two (2)
27 years from the effective date of the Decision in this matter.

1 4. If DUNKELMAN fails to pay the monetary penalty in
2 accordance with the terms and conditions of the Decision, the
3 Commissioner may, without a hearing, order the immediate
4 execution of all or any part of the stayed suspension in which
5 event DUNKELMAN shall not be entitled to any repayment nor
6 credit, prorated or otherwise, for money paid to the Department
7 under the terms of this Decision.
8

9 5. If DUNKELMAN pays the monetary penalty and if no
10 further cause for disciplinary action against the real estate
11 license of DUNKELMAN occurs within two (2) years from the
12 effective date of the Decision, the stay hereby granted shall
13 become permanent.
14

15 B. The remaining thirty (30) days of the sixty (60)
16 day suspension shall be stayed for two (2) years upon the
17 following terms and conditions:

18 1. DUNKELMAN shall obey all laws, rules and
19 regulations governing the rights, duties and responsibilities
20 of real estate licensees in the State of California.
21

22 2. That no final subsequent determination be made,
23 after hearing or upon stipulation, that cause for disciplinary
24 action occurred within two (2) years of the effective date of
25 this Decision. Should such a determination be made, the
26 Commissioner may, in his discretion, vacate and set aside the
27 stay order and reimpose all or a portion of the stayed

1 suspension. Should no such determination be made, the stay
2 imposed herein shall become permanent.

3 II. Pursuant to Section 10148 of the Code, DUNKELMAN
4 shall pay (a) the Commissioner's reasonable cost for the audit
5 (Audit No. LA 080215) which lead to the instant disciplinary
6 proceeding against MDHT CORPORATION, and (b) the Commissioner's
7 reasonable cost of a subsequent audit to determine if MDHT
8 CORPORATION is in compliance with the Real Estate Law. The
9 cost of the audit which lead to the instant disciplinary action
10 against MDHT CORPORATION is \$7,882.30. In calculating the
11 amount of the Commissioner's real cost, the Commissioner may
12 use the estimated average hourly salary for all persons
13 performing audits of real estate brokers, and shall include an
14 allocation for travel time to and from the auditor's place of
15 work. Said cost for the prior and subsequent audits shall not
16 exceed \$15,764.60.

17 DUNKELMAN shall pay such cost within 60 days of
18 receiving an invoice from the Commissioner detailing the
19 activities performed during the audit and the amount of time
20 spent performing the audit.

21 The Commissioner may suspend the license of DUNKELMAN
22 pending a hearing held in accordance with Section 11500, et
23 seq., of the Government Code if payment is not timely made as
24 provided for herein, or as provided for in a subsequent
25
26
27

1 agreement between DUNKELMAN and the Commissioner of Real
2 Estate. The suspension shall remain in effect until payment is
3 made in full or until DUNKELMAN enters into an agreement
4 satisfactory to the Commissioner of Real Estate to provide for
5 payment, or until a decision providing otherwise is adopted
6 following a hearing held pursuant to this condition.
7

8 III. Prior to the effective date of this Decision
9 Respondent DUNKELMAN shall provide evidence that the shortage
10 determined in Audit No. LA 080215 of Respondent MDHT
11 CORPORATION in the amount of \$9,347.25 has been cured. If
12 Respondent DUNKELMAN fails to provide such evidence the
13 Commissioner may order suspension of Respondent DUNKELMAN's
14 license until Respondent DUNKELMAN presents such evidence.
15

16 IV. All licenses and licensing rights of Respondent
17 DUNKELMAN are indefinitely suspended unless or until Respondent
18 provides proof satisfactory to the Commissioner, of having
19 taken and successfully completed the continuing
20 education course on trust fund accounting and handling
21 specified in paragraph (3) of subdivision (a) of Section
22 10170.5 of the Code. Proof of satisfaction of this requirement
23 includes evidence that respondent has successfully completed
24 the trust fund account and handling continuing education course
25 within 120 days prior to the effective date of the Decision in
26 this matter.
27

1 V. Respondent DUNKELMAN shall, within nine (9)
2 months from the effective date of this Decision, present
3 evidence satisfactory to the Commissioner that Respondent
4 DUNKELMAN has, since the most recent issuance of an original or
5 renewal real estate broker license, taken and successfully
6 completed the continuing education requirements of Article 2.5
7 of Chapter 3 of the Real Estate Law for renewal of a real
8 estate broker license. If Respondent DUNKELMAN fails to
9 satisfy this condition, the Commissioner may order the
10 suspension of the broker license of Respondent DUNKELMAN until
11 Respondent DUNKELMAN presents such evidence. The Commissioner
12 shall afford Respondent DUNKELMAN the opportunity for a hearing
13 pursuant to the APA to present such evidence.
14
15

16
17 DATED: Feb. 8, 2010

18 Cheryl Keily
19 CHERYL KEILY, Counsel
20 DEPARTMENT OF REAL ESTATE

21 * * *

22 I have read the Stipulation and Agreement, and
23 discussed it with my counsel, and its terms are understood by
24 me and are agreeable and acceptable to me. I understand that I
25 am waiving rights given to me by the California Administrative
26 Procedure Act (including but not limited to Sections 11506,
27 11508, 11509 and 11513 of the Government Code), and I
willingly, intelligently and voluntarily waive those rights,

1 including the right of requiring the Commissioner to prove the
2 findings in the Accusation at a hearing at which I would have
3 the right to cross-examine witnesses against me and to present
4 evidence in defense and mitigation of the charges.

5
6 Respondent CHARLES MIKE DUNKELMAN can signify
7 acceptance and approval of the terms and conditions of this
8 Stipulation and Agreement by faxing a copy of its signature
9 page, as actually signed by Respondent, to the Department at
10 the following telephone/fax number (213) 576-6917. Respondent
11 CHARLES MIKE DUNKELMAN agrees, acknowledges, and understands
12 that by electronically sending to the Department a fax copy of
13 the actual signature as it appears on the Stipulation and
14 Agreement, that receipt of the faxed copy by the Department
15 shall be as binding on him as if the Department had received
16 the original signed Stipulation and Agreement.
17

18
19
20 DATED: _____



CHARLES MIKE DUNKELMAN

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1 ORDER PURSUANT TO STIPULATION AND AGREEMENT

2 The foregoing Stipulation and Agreement is hereby
3 adopted by me as my Decision in this matter as to CHARLES MIKE
4 DUNKELMAN, and shall become effective on APR -1 2010.

5 IS IT SO ORDERED 2/24, 2010.

6
7
8 JEFF DAVIS
9 Real Estate Commissioner

10
11
12 ORDER VACATING DESIST AND REFRAIN ORDER

13 THE FOLLOWING ORDER is hereby made:

14 On April 15, 2009, the Real Estate Commissioner
15 issued to MDHT CORPORATION, doing business as American Loan
16 Help Center, Gold Key Funding and Gold Key Properties, and
17 CHARLES MIKE DUNKELMAN, individually and as designated officer
18 for MDHT Corporation an Order to Desist and Refrain from
19 performing any and all acts for which a real estate broker
20 license is required until such time as they comply with all
21 provisions of the Real Estate Law as discussed in the Order to
22 Desist and Refrain.
23

24 Good cause has been shown why the said Desist and
25 Refrain Order should be vacated.

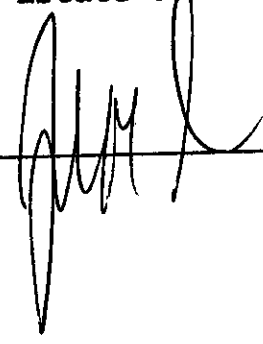
26 NOW, THEREFORE, IT IS ORDERED that the Order to
27 Desist and Refrain issued to MDHT CORPORATION, doing business

1 as American Loan Help Center, Gold Key Funding and Gold Key
2 Properties, and CHARLES MIKE DUNKELMAN, individually and as
3 designated officer for MDHT Corporation, on April 15, 2009, is
4 hereby vacated.
5

6 This Order shall be effective immediately.

7 DATED: FEB 24 2010, 2010

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9 JEFF DAVI
10 Real Estate Commissioner

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BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * * *

In the Matter of the Accusation of)
MDHT CORPORATION, doing busi-)
ness as American Loan Help)
Center, Gold Key Funding and)
Gold Key Properties; and)
CHARLES MIKE DUNKELMAN, indi-)
vidually, and doing business)
as Gold Key Funding and Gold)
Key Properties, and as desig-)
nated officer for MDHT)
Corporation,)
Respondents.)

No. H-35827 LA
L-2009050186

In the Matter of the Desist and)
Refrain Order to:)
MDHT CORPORATION, doing busi-)
ness as American Loan Help)
Center, Gold Key Funding and)
Gold Key Properties; and)
CHARLES MIKE DUNKELMAN, indi-)
vidually, and doing business)
as Gold Key Funding and Gold)
Key Properties, and as desig-)
nated officer for MDHT)
Corporation.)

No. H-35885 LA
L-2009050161

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DECLARATION

My name is Charles Mike Dunkelman. MDHT CORPORATION is licensed as a real estate corporation and/or has license rights with respect to said license. I am currently an officer of MDHT CORPORATION, and am authorized and empowered to sign this declaration on behalf of MDHT CORPORATION. MDHT CORPORATION is represented in this matter by Frank Buda, Esq.

In lieu of proceeding in this matter in accordance with the provisions of the Administrative Procedure Act (Sections 11400 et seq., of the Government Code) MDHT CORPORATION wishes to voluntarily surrender its real estate license issued by the Department of Real Estate ("Department"), pursuant to the provisions of Business and Professions Code Section 10100.2.

I understand that MDHT CORPORATION, by so voluntarily surrendering its license, can only have it reinstated in accordance with the provisions of Section 11522 of the Government Code. I also understand that by so voluntarily surrendering its license, MDHT CORPORATION agrees to the following:

1. The filing of this Declaration shall be deemed as the petition of MDHT CORPORATION for voluntary surrender.

2. It shall also be deemed to be an understanding and agreement by MDHT CORPORATION that it waives all rights it has to require the Commissioner to prove the allegations contained in the Accusation and Desist and Refrain Order filed in this matter at a hearing held in accordance with the provisions of the Administrative Procedure Act (Government Code Sections 11400 et


1 seq.), and that MDHT CORPORATION also waives other rights
2 afforded to it in connection with the hearing such as the right
3 to discovery, the right to present evidence in defense of the
4 allegations in the Accusation and the Desist and Refrain Order
5 and the right to cross-examine witnesses.

6 3. I further agree that upon acceptance by the
7 Commissioner, as evidenced by an appropriate order, all
8 affidavits and all relevant evidence obtained by the Department
9 in this matter prior to the Commissioner's acceptance, and all
10 allegations contained in the Accusation filed by the Department
11 in Case No. H-35827 LA and in the Desist and Refrain Order issued
12 by the Department, Case No. H-35885 LA, may be considered by the
13 Department to be true and correct for the purpose of deciding
14 whether to grant relicensure or reinstatement of MDHT
15 CORPORATION's license pursuant to Government Code Section 11522.

16 4. I am acting freely and voluntarily on behalf of
17 MDHT CORPORATION to surrender its license and all license rights
18 attached thereto.

19 I declare under penalty of perjury under the laws of
20 the State of California that the above is true and correct.

21
22 11-109 - Court
Date and Place



Charles Mike Dunkelman

1 Department of Real Estate
320 West Fourth Street, Ste. 350
2 Los Angeles, California 90013

3 (213) 576-6982

FILED

APR 17 2009

DEPARTMENT OF REAL ESTATE

BY: [Signature]

8 DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * * * *

11 To:

No. H-35885 LA

12 MDHT CORPORATION, doing busi-)
13 ness as American Loan Help)
14 Center, Gold Key Funding and)
15 Gold Key Properties; and)
16 CHARLES MIKE DUNKELMAN, indi-)
17 vidually, and doing business)
18 as Gold Key Funding and Gold)
19 Key Properties, and as desig-)
20 nated officer for MDHT)
21 Corporation,)
22)
23 Respondents.)
24)
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ORDER TO DESIST
AND REFRAIN

20 The Real Estate Commissioner of the State of California
21 has caused an investigation to be conducted of your activities as
22 a real estate broker, and based on the findings of that
23 investigation, is of the opinion that, you, MDHT CORPORATION,
24 doing business as American Loan Help Center, Gold Key Funding and
25 Gold Key Properties, and, you, CHARLES MIKE DUNKELMAN
26 ("DUNKELMAN"), individually, and doing business as Gold Key
27

1 Funding and Gold Key Properties, and as designated officer for
2 MDHT Corporation, have violated Section 10085 of the Business and
3 Professions Code (hereinafter "Code") and Section 2970 of Chapter
4 6, Title 10, California Code of Regulations (hereinafter
5 "Regulations"), and Code Sections 10137, 10146, 10159.5 and 10163
6 and Section 2731 of the Regulations.

7 1.

8 At all times mentioned herein, you, MDHT CORPORATION
9 were licensed by the Department of Real Estate of the State of
10 California (hereinafter "Department") as a corporate real estate
11 broker with Respondent DUNKELMAN as the designated officer.
12

13 2.

14 At all times mentioned herein, you, DUNKELMAN,
15 individually, and as designated officer of MDHT CORPORATION, were
16 licensed by the Department as a real estate broker.
17

18 3.

19 At all times material herein, in the State of
20 California, you engaged in the business of claiming, demanding,
21 charging, receiving, collecting or contracting for the collection
22 of advance fees, within the meaning of Code Section 10026,
23 including, but not limited to, the following loan modification
24 activities with respect to loans which were secured by liens on
25 real property:

26 a. On or about July 17, 2008, you collected an
27 advance fee of \$995 from Candy Cook pursuant to the provisions of
a written agreement pertaining to loan modification services to

1 be provided by you with respect to a loan secured by the real
2 property located at 16687 Las Ramblas, Unit F, Parker, Colorado
3 80134.

4 b. On or about August 13, 2008, you collected an
5 advance fee of \$500 from Norma Aleman pursuant to the provisions
6 of a written agreement pertaining to loan modification services
7 to be provided by you with respect to a loan secured by the real
8 property located at 1239 Sea Reef Drive, San Diego, California
9 92154.

10 c. On or about September 8, 2008, you collected an
11 advance fee totaling \$1,418 from Kathy Stubbs pursuant to the
12 provisions of a written agreement pertaining to loan modification
13 services to be provided by you with respect to a loan secured by
14 the real property located at 3003 Airway Street, East Wenatchee,
15 Washington 98802.

16 4.

17 You collected the advance fees described in Paragraph
18 3, above, pursuant to the provisions of a document entitled Loss
19 Mitigation Submission Fee Agreement, which document constitutes
20 an advance fee agreement within the meaning of Code Section
21 10085.

22 5.

23 You failed to submit the written agreements referred to
24 in Paragraph 3, above, to the Commissioner ten days before using
25 them in violation of Code Section 10085 and Regulation 2970.

26 ///

27 ///

6.

1
2 You, MDHT CORPORATION, and, you, DUNKELMAN, failed to
3 deposit the advance fees described in Paragraph 3, above, into a
4 real estate broker trust account in violation of Code Section
5 10146.

6 7.

7 The activities described in Paragraph 3, supra, require
8 a real estate license under Sections 10131(d) and 10131.2 of the
9 Code.

10 8.

11 You, MDHT CORPORATION, and, YOU, DUNKELMAN, violated
12 Section 10137 of the Code by employing and/or compensating
13 individuals who were not licensed as a real estate salesperson or
14 as a broker to perform activities requiring a license as follows:

15 a. You employed and/or compensated Joe Fields and
16 Bret Lyon to perform some or all of the services alleged in
17 Paragraph 3, subsection (a), above, though neither was licensed
18 as a real estate salesperson or broker.

19 b. You employed and/or compensated Armando Ramirez to
20 perform some or all of the services alleged in Paragraph 3,
21 subsection (b), above, though he was not licensed as a real
22 estate salesperson or broker.

23 c. You employed and/or compensated Carl Velasquez to
24 perform some or all of the services alleged in Paragraph 3,
25 subsection (c), above, though he was not licensed as a real
26 estate salesperson or broker.
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9.

On or about November 17, 2008, you, MDHT CORPORATION filed an application for and were authorized by the Department to use the fictitious business name "American Loan Help Center."

10.

You, MDHT CORPORATION, and, YOU, DUNKELMAN, at a time prior to November 17, 2008, acted without Department authorization in using the fictitious business name "American Loan Help Center" to engage in activities requiring the issuance of a real estate license in violation of the provisions of Section 10159.5 of the Code and Section 2731 of the Regulations.

11.

You, MDHT CORPORATION, and, YOU, DUNKELMAN, engaged in a real estate brokerage business at 1135 E. Route 66, Suite 201, Glendora, California 91740, a location for which you failed to apply for and procure from the Department an additional license for the branch office being maintained by you, in violation of Section 10163 of the Code.

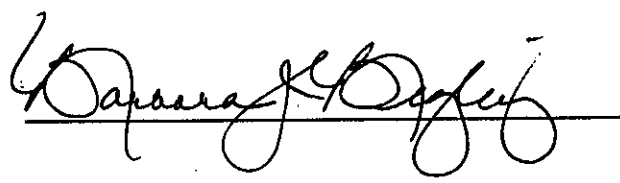
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NOW, THEREFORE, YOU, MDHT CORPORATION, and, YOU,
CHARLES MIKE DUNKELMAN, ARE ORDERED TO DESIST AND REFRAIN from
performing any and all activities for which a real estate broker
license is required until you comply with all provisions of the
Real Estate Law as discussed in this Order.

DATED: 4/15, 2009.

JEFF DAVI
Real Estate Commissioner



BY: Barbara J. Bigby
Chief Deputy Commissioner

cc: MDHT CORPORATION
424 South Citrus Avenue
Covina, California 91723

CHARLES MIKE DUNKELMAN
424 South Citrus Avenue
Covina, California 91723